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Application No.: 10/701,261   Docket No.: JCLA7806

REMARKS

Claims 1, 3, 5 and 7 have been amended to include subject matter included in originally filed claim 2, where claim 2 has been currently amended subsequently; claims 4 and 6 remain unchanged. Applicants submit that such amendments to the claims would not necessitate any new search or new ground. In this manner, entering of the amendments of claims and allowable thereto are respectfully solicited.

Claim Rejections 35 U.S.C. 102

Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Sha et al (US 6,980,581).

In response to the rejections thereto, Applicant have amended claims 1 and 7 to include allowable subject matter contained in originally filed claim 2, and hereby otherwise traverse this rejections, in that the allowability of originally filed claim 2 will be discussed in the next section addressing to the 103 rejection to claim 2. As such, Applicants submit that claims 1 and 7, containing the allowable subject matter of originally filed claim 2 are novel and unobvious over Sha et al., or any of the other cited references, taken alone or in combination, and thus should be allowed.

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Claim Rejections 35 U.S.C. 103

Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sha et al. in view of Yavitz (US 2003/0033385).

In response to the rejections thereto, Applicants hereby otherwise traverse the rejection to claim 2 and submit that claim 2 is neither taught, suggested, nor disclosed by Sha et al., Yavitz, or any of the other cited references, taken alone or in combination, and thus should be allowed.

Claim 2, as originally filed, recites: [T]he control chip of claim 1, wherein the control chip picks up the algorithm from an external bus.

Addressing claim 2, the Examiner admitted that Sha et al. fail to teach that the control chip picks up the algorithm from an external bus. Then, the Examiner intended to cite Yavitz as a second reference to modify Sha to have the alleged algorithm picked up from an external bus. However, Applicants submit that even with all teachings of Sha et al. and Yavitz, one of ordinary skill in the art would not have obtain the current invention as set forth in originally filed claim 2 as proposed by the Examiner.

First of all, Applicants submit that Yavitz is nonanalogous art for modifying Sha et al., in order to arrive at the current invention as set forth in claim 2, as originally filed. As held in MPEP §2141.01(a) and the recited case law, "[I]n order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned". Sha et al. "relates to a method and/or architecture for generating a spread spectrum clock generally and, more particularly, to a method and/or architecture for generating an adaptive spread spectrum clock" (column 1, lines 13-16) with a US classification as 375/130; 375/367; 331/10, while Yavitz

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"relates generally to a system and method for selectively retrieving information from a store of information using a remotely generated data trigger" (paragraph [0002]) with a US classification as 709/219. As described in paragraph [0007], "the conventional method of spreading EMI signal has the following disadvantages. An external SSCG chip or a built-in SSCG chip inside the ASIC chip is required. This often increases overall circuit complexity. Furthermore, a conventional SSCG only deals with EMI signal at a specified frequency with a fixed modulation. If there is any change to the EMI signal frequency, the already installed SSCG has no means of spreading out the shifted EMI signal. In other words, the SSCG is incapable of reducing EMI signals in a dynamic state". As stated in paragraph [0008] of the current application, "one object of the present invention is to provide a control chip that uses software to process a spectrum of electromagnetic interference signals and to spread out width of a frequency band so that sensed electromagnetic signals can be processed dynamically". Apparently, Yavitz is neither "in the field of applicant's endeavor" that is to "provide a control chip that uses software to process a spectrum of electromagnetic interference signals and to spread out width of a frequency band so that sensed electromagnetic signals can be processed dynamically", nor "reasonably pertinent to the particular problem with which the inventor was concerned" that is "the SSCG is incapable of reducing EMI signals in a dynamic state". Therefore, Applicants submit that Yavitz can not be relied on as a basis for rejection of the current invention, e.g., as set forth in claim 2.

Secondly, Sha et al. teaches: "[A] spread spectrum clock generator that uses a single set of ROM codes, requires no adjustment, and could generate any frequency in a wide range of frequencies, would be desirable" and "[T]he objects, features and advantages of the present invention include providing a method and/or architecture for generating an adaptive spread

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spectrum clock that may ... (iii) require only one set of ROM codes ..." (column 2, line 54 to

column 3, line 4). Sha et al. intended to provide a method and/or architecture at least containing a

set of ROM codes and a spread spectrum clock generator requires no adjustment. Such a single set

of ROM codes is essential and critical for the Sha et al reference. However, when modified by

Yavitz as proposed by the Examiner, in that the control chip picks up the algorithm from an

external bus, the critical set of ROM is no longer needed. As required by MPEP §2143.02, "the

proposed modification cannot render the prior art unsatisfactory for its intended purpose", and "the

proposed modification cannot change the principle of operation of a reference". As such,

Applicants submit that such a modification does not satisfy the requirements set forth in MPEP for

render the present invention, as set forth in originally filed claim 2, *prima facie* obviousness.

Thirdly, even though Yavitz has been interpreted by the Examiner as having disclosed "a

control chip which picks up an algorithm from an external bus", such a teaching is still insufficient

to suggest one of ordinary skill in the art to replace the already stored ROM codes or "algorithm"

with external bus provided ROM codes or "algorithm". In order to render the present invention, as

set forth in originally filed claim 2, the Examiner must provide evidence of a reference that teaches

a control chip "built inside an integrated circuit for reducing electromagnetic interference", and the

control chip receive an algorithm from an external bus. Applicants submit that it is well known to

those of ordinary skill in the art that an external bus can be used for providing algorithm. However,

it is still unknown to those the external bus could be used for providing algorithm to a control chip

"built inside an integrated circuit for reducing electromagnetic interference".

Fourthly, the Examiner contended that "it would have been obvious to "one of ordinary

skill" in the art ... such that a separate memory for the computer program would not be needed

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inside the control chip in order to allow for the conservation of space for the control chip such that the control chip can be made smaller" (page 6 of the current Office Action). Applicants submit that the Examiner does not point out from where the motivation for modification could be found in the prior art reference, and further the motivation is not reasonable and positive to have one of ordinary skill in the art to modify. It is easy to understand that although a control chip without a memory could be a little bit smaller, the memory is not eliminated, and individual control chip and memory would definitely occupy more spaces, rather than save spaces. If it is an object of either Sha et al., or Yavitz to conserve space, the control chip would be liked to be more integrated rather than separately designed.

For at least the foregoing reasons, Applicants submit that the claimed subject matter "wherein the control chip picks up the algorithm from an external bus" is novel and unobvious over Sha et al., Yavitz, or any of the other cited references, taken alone or in combination, and thus claim 2, as originally filed, should be allowable.

Applicants have canceled claim 2, and add the allowable subject matter into independent claims 1, 3, 5, and 7. As such, Applicants submit that claims 1, 3, 5 and 7 are also allowable.

Claim 4 and 6 depend on allowable claims 3 and 5, and thus should also be allowable.

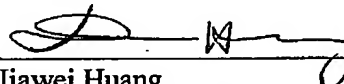Application No.: 10/701,261   Docket No.: JCLA7806

CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-7 are in proper

condition for allowance and an action to such effect is earnestly solicited. If the Examiner believes

that a telephone conference would expedite the examination of the above-identified patent

application, the Examiner is invited to call the undersigned.

Respectfully submitted,
J.C. PATENTS

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